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16 December 1977

MEMORANDUM FOR: Acting Deputy Director of Central Intelligence

VIA: Acting Deputy Director for Administration

FROM: L Director of Security J

SUBJECT: Release of Polygraph Questions and Answers
to the Department of Justice -
Tscherim Soobzokov (C)

1. (U) Action Requested: This memorandum contains a recommendation for your approval.

2. (C) Background: The United States Attorney for the Southern District of New York is conducting an investigation of Tscherim Soobzokov to determine if he has procured his naturalization by fraud and to ascertain whether he is involved in a fraud on the Social Security Administration. Office of Security concern in this case involves the possible release of detailed polygraph information regarding Subject to the Department of Justice.

(C) Pursuant to their request, Department of Justice attorneys were permitted to review the sanitized Office of Security file on Soobzokov (which was originally prepared for concurrent review of Agency records on ^{Soobzokov} Subject by the House Subcommittee on Immigration, Citizenship and ^{INTERNATIONAL} Naturalization Law and the General Accounting Office as a result of their parallel investigations of alleged Nazi war criminals).

Downgraded to Confidential
when separated from Secret
attachment

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DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCE METHODS EXEMPTION 3020
NAZI WAR CRIMES DISCLOSURE ACT
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They were authorized to take notes and request copies of documents determined relevant to their investigation⁶ which will be forwarded to them after appropriate review and any additional sanitization considered necessary.

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(U//~~ATUO~~) Every effort was made to be as forthcoming as possible with respect to the sanitization of this material and deletions were limited to sensitive Directorate of Operations information, Third Agency documents, employee names and actual polygraph reports. With respect to polygraph information, I feel that sufficient details were provided as manifested in the attached file summary. Unfortunately, this did not ^{SATISFY} ~~satisfy~~ their interest and Assistant United States Attorney, Jerry Siegel, verbally requested all polygraph questions and answers reflected in the seven polygraph tests conducted by the Agency on Soobzokov. He will want copies of selected questions and answers which he feels are relevant to the investigation.

(C) While it is realized that these documents are subject to subpoena, I have serious reservations about permitting such an extensive review of our polygraph reports. I feel obligated to make every effort to protect this information for the following reasons:

- a. If this information is utilized in a court of law, resultant publicity could leave the impression in

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the minds of the public that the Agency routinely releases polygraph information to this degree. Individuals of operational interest would certainly not be as inclined to undergo technical interviews if they felt that this was Agency policy. Consequently, it would jeopardize the recruitment and clearance processing of human sources of intelligence which are vital to the Agency's mission. The fact that the Agency is cognizant that this information was released solely because this is a criminal investigation is one thing, but convincing a potential source that this is a unique case would be difficult, to say the least.

b. The release of specific questions and answers recorded in polygraph examinations would damage the reliability and validity of our testing by enhancing the possibility that specific areas of interest could be identified. The value of such information to a hostile intelligence service for penetration purposes is obvious. The fact that in this case only selected items will be released does not negate my concern since I feel that we are setting a dangerous precedent here that can only lead to problems in the future when the Department of Justice may feel that entire polygraph reports are essential in a particular case.

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(3) (C) RECOMMENDATION : THE DEPT. OF JUSTICE BE ADVISED THAT THE AGENCY WILL CONTINUE TO FULFILL ITS OBLIGATION TO PROVIDE RELEVANT INFORMATION TO THE FULLEST EXTENT POSSIBLE AS LONG AS AGENCY EQUITIES ARE PROTECTED. WE WILL RESPOND IN SUMMARY FORM TO ANY ADDITIONAL AREAS OF INTEREST CONCERNING SOUBZOKOV'S POLYGRAPH FILE. HOWEVER, WE CANNOT COMPLY WITH THEIR REQUEST TO REVIEW ALL OF THE POLYGRAPH QUESTIONS AND ANSWERS SINCE IT WOULD JEOPARDIZE INTELLIGENCE SOURCES AND METHODS.